

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 7-9, 11-14, 42, 45-50, 52, 54-56, 59-63, and 65-78 were pending in this application. Claims 42 and 56 have been amended hereby to further recite the invention and claim 79 has been added. Accordingly, claims 7-9, 11-14, 42, 45-50, 52, 54-56, 59-63, and 65-79 will be pending herein upon entry of this Amendment. Support for the amendment to the claims and for new claim 79 can be found in the present application, for example, at least at page 6, lines 11-21; page 17, lines 14-22; page 18, line 10 through page 19, line 5; and page 23, lines 8-13. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action mailed November 20, 2006, claims 7-9, 11-14, 42, 45-50, 69-74 and 76-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over www.jobasia.com. Claims 52, 54-56, 59-63 and 65-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over www.jobasia.com as applied above, and www.replyto.com. Claim 75 was rejected under 35 U.S.C. § 103(a) as being unpatentable over www.jobasia.com and www.replyto.com and further in view of Dossin et al. "Sign-on Bonu\$e\$ Score for Recruiters." To the extent these rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

Claim 42 has been amended to further recite the invention. As recited in the amended claim, a method for placing applicants into jobs includes the steps of "denoting each job listing

as being a listing for one of either a critical or a non-critical position.” As is further claimed, the present invention provides different treatment for applicants hired for critical positions than applicants hired for non-critical positions, wherein applicants for critical positions are awarded a signing bonus and applicants for non-critical positions are entered into a prize drawing. The applicant pool for the prize drawing only includes applicants for non-critical positions.

The references applied by the Examiner, pertaining to Jobasia, merely disclose that bonuses are awarded to applicants who found jobs through the service. As disclosed in reference B, it is possible that applicants may also join a lucky draw. There is no distinction made, in any of the cited references concerning Jobasia, between listings for critical positions and non-critical positions and the respective awards given to applicants for such positions. The entirety of the relevant disclosure in reference B is as follows: “A new recruitment web site JobAsia offered one-month salary as bonus to job seekers who found a job through its service during the summer vacation. Besides, they could join a lucky draw.” Thus, listings are not disclosed as being denoted as for one of either a critical position or a non-critical position and there is no disclosure or suggestion that listings for differently denoted positions are treated any differently with respect to the awards given upon a successful hiring. Therefore, Applicant respectfully submits that claim 42 is patentable over Jobasia.

The act of treating applicants for critical and non-critical positions differently represents a novel and non-obviousness approach. In this manner, the present invention recognizes an ability to provide appropriate market- and skill-based incentives for job applicants that have not been appreciated by the cited references. The structure of the method claimed herein encourages

employers to broadcast a wider range of listings while allowing them to retain the attractiveness of the critical positions by not diluting the possible bonuses paid thereto. This is because systems in which bonuses are awarded to all or at least indiscriminate positions, such as Jobasia, would tend to result in either less money available for the more competitive positions or increased advertising fees (such as in cases where employers wish to maintain a certain market level of signing bonus for critical positions).

The employment service provider in accordance with the present invention categorizes each position because the billing and incentive programs apply differently to each. The benefits of the programs are further explained on page 23, lines 3-13, of the specification. Such benefits include the ability of the employer to receive free advertising for their businesses and the right to post unlimited job listings. The employers pay nothing for the successful hirings of non-critical position applicants and only pay when critical positions are filled. This feature is further emphasized by the addition of new claim 79. Methods disclosed by the cited references do not disclose, teach, or suggest the claimed fee structure and, for at least the foregoing reasons, claim 42 is patentable over Jobasia. New claim 79 is patentable over Jobasia by virtue of its dependency on claim 42 and for the additional features recited therein.

To the extent that the Examiner may apply to claim 42 the reasoning previously applied to claim 77, Applicant respectfully submits that the reasoning is not applicable. The Examiner states that "it is old and well known in the art to only charge for services that are rendered, or to only charge for services that are rendered to a customer's satisfaction" (page 13 of the Office Action of November 20, 2006). Claim 42 as amended defines an award structure that includes at

least two levels of incentives for applicants who are eventually hired, one for critical positions and one for non-critical positions. While it is appreciated that paying customers generally would like to be satisfied by service providers and expect to receive services in exchange for payment of fees, such a motivation does not go far enough to cause a person having skill in the art to arrive at the claimed invention. The cited references do not disclose, teach, or suggest the two-level award structure that is claimed and the broad, general desire of employers to be satisfied with services rendered would not suggest the claimed invention to one of skill in the art.

The other references cited by the Examiner do not cure the deficiencies of Jobasia since they do not denote listings as critical or non-critical and provide the different claimed awards and fee structure based on that characterization.

Independent claim 56 is patentable over the cited references for at least the same reasons as provided with regard to claim 42.

Claims 7-9, 11-14, 45-50, 52, 54, 55, 59-63, and 68-79 are patentable over Jobasia at least by virtue of their dependency from claims 42 and 56 and for the additional features recited therein.

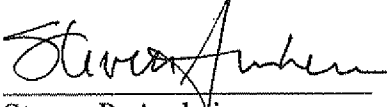
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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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